

Minutes Planning & Zoning Commission June 30, 2004

The regular meeting of the Planning & Zoning Commission was held on June 30, 2004, at the City Council Chambers, 31 East Fifth Street.

Present:

Charles Huellmantel, Chairman
Tom Oteri
Ron Collett
Vanessa MacDonald
Peggy Tinsley
Darin Sender, Alternate
Alan Beaudoin, Alternate

(MEMBERS) Absent:

Michael DiDomenico, Vice Chairman
Michael Crusa

City Staff Present:

Steve Venker, Planning & Zoning Manager
DeeDee Kimbrell, Planner II
Ryan Levesque, Planner I
Fred Brittingham, Contract Planner

Guests Present

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Meeting convened at 6:10 p.m.

- Agenda Discussion Item:
 - Zoning and Development Code – Ordinance 2003.36, #ZON-2003.19

REGULAR AGENDA

1. **Agenda Item 1** **ZONING AND DEVELOPMENT CODE - Ordinance 2003.36 #ZON-2003.19**
Note: Continued from the June 29, 2004 public hearing.

The Commission considered amendments proposed by Commissioner Sender.

Part 6 Chapter 2

Section 6 - 302 (202)

- suggestion to revise and relocate to chapter 2
- discussion of specific time frames for preliminary review
- revise “calendar days” to “business days”

MOTION: Commissioner Tinsley moved to amend 6-202.A.4: Retain 1st sentence; revise sentence about days.

SECOND: Commissioner Sender

Discussion:

- Clarify that date certain for meeting
- If not broken, don't fix it
- Utilize published schedule dates
- Identify business days. 20 is too long.
- Time frames by DSD
- 15 days

DECISION: Passed 5–2 (Commissioners Collett and MacDonald dissenting)

Section 6-203

MOTION: Commissioner Sender moved to amend to delete “substantially” from text in A.

SECOND: Commissioner Oteri

DECISION: Passed 6-1 (Commissioner Collett dissenting)

Section 6-204, A-E

MOTION: Commissioner Sender moved to amend as proposed by Commissioner Sender, with additional changes as follows:

- Change 30 days to 14 days
- Delete note about Development Services Manager appeal.
- Add text about administrative review.

SECOND: Commissioner Oteri

DECISION: Passed 6-1 (Commissioner Collett dissenting)

Section 6-205

MOTION: Commissioner Sender moved to amend: Clarify A, G

SECOND: Commissioner Beaudoin

DECISION: Passed 6-1 (Commissioner Collett dissenting)

Section 6-206

MOTION: Commissioner Sender moved to amend: Clarify first paragraph; I, D,

SECOND: Commissioner Oteri

DECISION: Passed 6-1 (Commissioner Collett dissenting)

Section 6-207

No change

Part 6, Chapter 3

Section 6-301

MOTION: Commissioner Sender moved to Section 6-301 B. adding references to other sections. And Section 6-301 C. add, "...regarding a code interpretation and similar use ruling..."

SECOND: Commissioner Oteri

DECISION: Passed 7-0

Section 6-303

- Clarify "minor" amendments
- B.3.
- C.1.a. revise to retain "for at least one public hearing." Revise for grammar

MOTION Commissioner Sender moved to amend: Clarify first paragraph; I, D,

SECOND: Commissioner Beaudoin

DECISION: Passed 7-0

Section 6-304

MOTION: Commissioner MacDonald moved to reserve the section for Specific Plans.

SECOND: Commissioner Tinsley

DECISION: Passed 5-2 (Commissioners Collett and Huellmantel dissenting)

Section 6-305

MOTION: Commissioner Sender moved to amend: Revise B

SECOND: Commissioner Oteri

DECISION: Passed 7-0

Section 6-306

No change

Section 6-307

- Amend D.1. to add "heat island" concerns
- Amend D.1.b. to materials "shall be" of superior.....

MOTION: Commissioner Oteri moved to amend A – E as proposed by staff.

SECOND: Commissioner Collett

DECISION: Passed 7-0

Section 6-308

MOTION: Commissioner MacDonald moved to accept as proposed by staff.

SECOND: Commissioner Collett

DECISION: Passed 7-0

Section 6 – 309

- Which decision-making body hears use permits requests?

MOTION: Commissioner Sender moved to amend as proposed by staff.

- Change to include Planning & Zoning Commission and strike all City Council decision-making in C.5. and D.

SECOND: Commissioner Tinsley

Discussion:

- C.5.b & c. need clarity

MOTION AMENDED by Commissioner Sender to also strike C.6 and D.6.

SECOND: Commissioner Tinsley

DECISION: Passed 6–1 (Commissioner Collett dissenting)

Section 6–310

- Which decision-making body hears variance requests?
- Strike City Council from D

MOTION: Commissioner Sender moved to amend as proposed by staff.

SECOND: Commissioner Beaudoin

DECISION: Passed 6–1 (Commissioner Collett dissenting)

Section 6–311

MOTION: Commissioner Sender moved to amend C. to add “with appeals to be heard by BOA, then appealable to Superior Court”

SECOND: Commissioner Oteri

DECISION: Passed 6–1 (Commissioner Tinsley dissenting)

Section 6 – 312

No change. Further review at next hearing.

Section 6 – 313

- Minor amendment clarification about 10% threshold

MOTION: Commissioner Collett moved to amend as proposed by staff.

SECOND: Commissioner Tinsley

DECISION: Passed 7–0

Section 6 – 314

MOTION: Commissioner Collett moved to amend as proposed by staff.

SECOND: Commissioner Tinsley

DECISION: Passed 7–0

CHAPTER 4

Section 6–402

- Suggested 6 s.f. sign maintained by applicant
- Reasonable effort to maintain.
- Change 30 day neighborhood meeting notification to 14 days
- Suggestion of notification to 600 ft radius
- Applicability criteria

MOTION: Commissioner Beaudoin moved to amend the following:

- B: strike use permit and variance. Renumber
- E.1. Revise 30 to 14 days
- 6 s.f. sign area for use permits, variances, development plans and GP amendments
- 16 s.f. sign for development plan, PAD, major modifications
- E.2. and E.2.a.

SECOND: Commissioner Collett

- Staff concerns with motion

DECISION: Failed 3–4 (Commissioners Tinsley, Huellmantel, Oteri & MacDonald dissenting)

MOTION: Commissioner MacDonald moved to retain use permits and variances, all else remains the same.

SECOND: Commissioner Tinsley

- Amend to add “heard by PZC or RRC”

DECISION: Passed 6–1 (Commissioner Beaudoin dissenting)

Section 6 – 403

No change

Section 6 – 404

- Amend C.2.

MOTION: Commissioner Tinsley moved to amend as proposed by staff.

SECOND: Commissioner Sender

- Clarification of maintenance of sign and size of sign

DECISION: Passed 7–0

Section 6–405

No change

Section 6–406

MOTION: Commissioner Tinsley moved to amend as proposed by staff.

SECOND: Commissioner Beaudoin

DECISION: Passed 7–0

The Commission reviewed the July 27 meeting agenda.

The Committee's next regular meeting will be July 13, 2004.

Meeting adjourned at 10:40 p.m.

Prepared by: Nancy Woods, Executive Assistant

Reviewed by: Steve Venker, Planning & Zoning Manager

Steve Venker
Planning & Zoning Manager